

Exhibit 7

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**
5 **individually and on behalf of a class of**
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.
11 -----

12 **DEPOSITION OF JOSEPH GRAMAGLIA**

13 **Taken pursuant to Rule 30(b)(6)**

14 **of the Federal Rules of Civil Procedure**

15 APPEARING REMOTELY FROM

16 BUFFALO, NEW YORK

17 January 24th, 2024

18 At 2:15 p.m.

19 Pursuant to notice

20
21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23
DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202
716-853-5544

R E M O T E A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

COVINGTON & BURLING, LLP
BY: JORDAN JOACHIM, ESQ.,
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APPEARING FOR THE DEFENDANTS:

HODGSON RUSS, LLP
BY: ADAM W. PERRY, ESQ.
AND CHEYENNE N. FREELY, ESQ.,
140 Pearl Street
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(716) 856-4000

ALSO PRESENT:

ANDREW TIMMICK, ESQ.,
Covington & Burling, LLP

A. CHINYERE EZIE, ESQ.,
Center for Constitutional Rights

ANJANA MALHOTRA, ESQ.,
National Center for Law
and Economic Justice

CLAUDIA WILNER, ESQ.,
National Center for Law
and Economic Justice

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—JOSEPH GRAMAGLIA—

1 to the best of their ability on that -- in
2 response to that?

3 A. It's a mandatory field. They cannot validate
4 that form and print it out without putting
5 something in the box.

6 Q. Are officers asked to fill out that -- to fill
7 in race on that form to the best of their
8 ability?

9 A. Yes, if they can.

10 Q. I'd like to show Exhibit 50. This is the
11 Buffalo Police Department rules and
12 regulations. Do you see that?

13 A. I do.

14 Q. And is it your position that -- and by the
15 way, this is the rules and regulations prior
16 to the MOP update we were previously
17 discussing, right?

18 A. Yes.

19 Q. And you testified that there is provisions
20 that prohibit racial bias; is that right?

21 MS. FREELY: Objection to form.

22 A. Yes.

23 Q. Do you recall, looking at the table of

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—JOSEPH GRAMAGLIA—

1 contents, what part of the rules and
2 regulations?

3 A. Well, you can go to Section 2.12.

4 Q. Do we have the whole thing here? Okay. 2.12.

5 A. Attitude and impartiality.

6 Q. Does that say anything about racial bias or
7 discrimination?

8 MS. FREELY: Objection to form.

9 A. It doesn't say it specifically, but it --
10 employees while vigorous and unrelenting in
11 their enforcement of law must maintain a
12 strictly impartial attitude toward
13 complainants, violators, witnesses and
14 suspects.

15 Q. So that doesn't say anything about racial bias
16 or discrimination, correct?

17 MS. FREELY: Same objection.

18 A. Well, impartial attitude means you shall have
19 an impartial attitude across the board, so
20 it's kind of a larger umbrella over that.

21 Q. Are there any other provisions of these rules
22 and regulations you believe prohibit racial
23 bias or discrimination?

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—JOSEPH GRAMAGLIA—

1 A. Conduct, Section 3.2.

2 Q. Does this provision say anything about racial
3 bias or discrimination?

4 MS. FREELY: Objection to form.

5 A. It doesn't say those exact words but, again,
6 it's an overarching umbrella that covers
7 everything, all of that, how you are to
8 conduct yourself.

9 Q. Any other provisions you're aware of?

10 A. No. Those are the two main overarching
11 umbrellas that -- we would use conduct as
12 really much more widely used. When doing
13 charges that there was to be a violation of
14 the Manual of Procedures or the rules and
15 regulations conduct would be the overarching
16 charge that almost always gets added on,
17 depending on the conduct.

18 That would include if there were
19 anything related to what we're discussing here
20 or any types of racial bias.

21 Q. And why did you choose to make the prohibition
22 on racial discrimination explicit in the MOP
23 update from 2021?

—DEPAOLO CROSBY REPORTING SERVICES, INC.—

1 STATE OF NEW YORK)

2 COUNTY OF ERIE)

3
4 I, Rebecca Lynne DiBello, CSR, RPR, Notary
5 Public, in and for the County of Erie, State of
6 New York, do hereby certify:

7 That the witness whose testimony appears
8 hereinbefore was, before the commencement of
9 their testimony, duly sworn to testify the
10 truth, the whole truth and nothing but the
11 truth; that said testimony was taken pursuant
12 to notice at the time and place as herein set
forth; that said testimony was taken down by me
and thereafter transcribed into typewriting,
and I hereby certify the foregoing testimony is
a full, true and correct transcription of my
shorthand notes so taken.

13 I further certify that I am neither counsel
14 for nor related to any party to said action,
15 nor in anyway interested in the outcome
thereof.

16 IN WITNESS WHEREOF, I have hereunto
17 subscribed my name and affixed my seal this
18 4th day of February, 2024.

19 

20 _____
21 Rebecca Lynne DiBello, CSR (NY)
22 Notary Public - State of New York
23 No. 01D14897420
Qualified in Erie County
My commission expires 5/11/2027

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